

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

TIMOTHY P. AMBEAU,

Plaintiff,

v.

Case No. 18-cv-1209-pp

OFFICER KNETZGER, CYNTHIA VOPAL,
BEAU G. LIEGEOIS, ANNA SERRES,
JEFF BRANN, and N. WALVORT,

Defendants.

ORDER DISMISSING CASE FOR FAILURE TO PROSECUTE

On August 6, 2018, plaintiff Timothy P. Ambeau, who was an inmate at Brown County Jail representing himself, filed a complaint under 42 U.S.C. §1983. Dkt. No. 1. The clerk's office assigned his case to Magistrate Judge Nancy Joseph; on October 12, 2018, Judge Joseph issued an order screening the complaint under 28 U.S.C. §1915A. Dkt. No. 10. Although she found that the complaint did not state a claim for which the federal court could grant relief, Judge Joseph gave the plaintiff the opportunity to amend his complaint in order to cure the defects that she had identified. Id. at 7-8. She gave the plaintiff a deadline of November 12, 2018 to file the amended complaint. Id. at 8.

On October 22, 2018, the plaintiff filed a motion for an extension of time to file the amended complaint, saying that he needed more time to find an

attorney. Dkt. No. 11. Although Judge Joseph's November 2, 2018 order told the plaintiff that she was not going to put the case on hold until he found himself a lawyer, she did extend the deadline for the plaintiff to file the amended complaint to November 30, 2018. Dkt. No. 12. She warned the plaintiff that if he didn't file an amended complaint by that deadline, the court could dismiss his case. Id. To date, the plaintiff has not complied with Judge Joseph's order.

The court notes that on November 5, 2018, the clerk's office received a letter from the plaintiff, addressed to Judge Joseph. Dkt. No. 13. He told Judge Joseph that he believed someone at the Brown County Jail was tampering with his mail, because he'd mailed letters to the clerk's office asking for time to find a lawyer, and he had not yet received an answer. Id. Judge Joseph mailed her order to the plaintiff on November 2, 2018, three days before the court received the letter from the plaintiff. It has been almost five weeks since then, and the plaintiff still has not filed an amended complaint. Assuming that the plaintiff sent his letter before he received Judge Joseph's order, he still had about three weeks before the November 30, 2018 deadline to file an amended complaint, or to ask Judge Joseph to give him more time. But the court has not heard from the plaintiff since November 5.

The defendants have not yet had the opportunity to consent to Judge Joseph making final decisions, so the clerk's office randomly assigned the case to Judge Pepper, a district court judge, to consider whether to dismiss. The

court concludes that the plaintiff did not comply with Judge Joseph's order and has not diligently pursued his case under Civil L.R. 41(c) (E.D. Wis.).

The court **ORDERS** that this case **DISMISSED without prejudice** because of the plaintiff's failure to diligently prosecute it.

Dated in Milwaukee, Wisconsin, this 13th day of December, 2018.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'P. Pepper', is written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge